

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 5

March 8, 2018

SUBJECT: ISSUANCE AND DISTRIBUTION OF THE TRESPASS WARNING LETTER, FORM 03.21.00 – RENAMED AND REVISED; TRESPASS WARNING, FORM 03.21.00 – REVISED; AND, TRESPASS ARREST AUTHORIZATION, FORM 03.21.01 – ACTIVATED

PURPOSE: This Order renames and revises Department Manual Section 4/276.10, *Issuance and Distribution of the Trespass Warning Letter, Form 03.21.00*; revises the Trespass Warning, Form 03.21.00; and, activates the Trespass Arrest Authorization, Form 03.21.01, to ensure that officers in the field possess the most current forms and procedures to enforce trespass laws.

PROCEDURE:

- I. ISSUANCE AND DISTRIBUTION OF THE TRESPASS WARNING LETTER, FORM 03.21.00 – RENAMED AND REVISED.** Department Manual Section 4/276.10, *Issuance and Distribution of the Trespass Warning Letter, Form 03.21.00*, has been revised and renamed as *Trespass Warning and Trespass Arrest Authorization*. Attached is the revised section with the revisions indicated in italics.
- II. TRESPASS WARNING, FORM 03.21.00 – REVISED.** The Trespass Warning, Form 03.21.00, has been revised. The reference regarding the Housing Authority City of Los Angeles Police Department has been deleted from the form since this agency no longer exists.
 - A. Use of Form.** This form shall be used to document a warning that is given to persons who trespass on private property, including private property made open to the general public, pursuant to Los Angeles Municipal Code (LAMC) Sections 41.24(a), 41.24(b), or 41.24(d). This enables an officer to verify that a prior warning was given and to arrest the suspect.
 - B. Completion.** This form shall be completed by officers documenting the trespass warning given to individuals who enter private or public property without lawful permission.

Note: Officers shall add the respective Area telephone and reference numbers on the corresponding spaces in the upper-right corner of the form.

- C. Distribution.** This form shall be maintained for a minimum of one year from the date of issuance.

1 – Original, retained by the Area/division subpoena control officer.

1 – Copy, Area front desk.

2 –TOTAL

III. TRESPASS ARREST AUTHORIZATION, FORM 03.21.01 – ACTIVATED. The Trespass Arrest Authorization, Form 03.21.01, has been activated.

- A. Use of Form.** This form shall be completed by the owner, owner's agent, or person in lawful possession of the referenced property, authorizing the Los Angeles Police Department's entry onto the property and enforcement of Los Angeles Municipal Code (LAMC) Sections 41.24(a), 41.24(b), or 41.24(d).
- B. Completion.** This form shall be completed by the owner, owner's agent, or person in lawful possession of the referenced property. This form may encompass a limited period of time not exceeding 12 months and shall provide the specific dates for the authorization period. A new form shall be completed once the authorization period has expired.
- C. Distribution.** This form shall be maintained for one year from the date of issuance.

1 – Original, retained by the Area/division subpoena control officer.

1 – Copy, Area front desk.

2 – TOTAL

FORM AVAILABILITY: The Trespass Warning and the Trespass Arrest Authorization are available in E-Forms on the Department's Local Area Network (LAN). Copies of these forms are attached for immediate use and duplication. All other versions of the Trespass Warning form shall be marked "obsolete" and placed into the divisional recycling bin.

AMENDMENT: This Order amends Section 4/276.10 of the Department Manual. The "Form Use" link applicable to the Trespass Warning and the Trespass Arrest Authorization have been updated, and are accessible in E-Forms on the Department's LAN.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall monitor compliance with this directive and determine if an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

Attachments

DISTRIBUTION "D"

**DEPARTMENT MANUAL
VOLUME IV
Revised by Special Order No.5 , 2018**

276.10 TRESPASS WARNING AND TRESPASS ARREST AUTHORIZATION.

Officer's Responsibilities. Whenever an officer determines that an individual has entered upon private property (*including private property open to the general public*) without lawful permission, in violation of Los Angeles Municipal Code (LAMC) Sections 41.24(a), 41.24(b), or 41.24(d), the officer shall advise the individual that he or she is trespassing. *The officer shall then check with the division of occurrence to determine if a Trespass Arrest Authorization, Form 03.21.01, is on file for that location. If the officer determines that the individual has entered the subject property without permission in violation of LAMC Section 41.24(b) or 41.24(d), the officer shall check to determine if there is a Trespass Warning, Form 03.21.00 [or any other documentation, such as a Field Interview Report, Form 15.43.00, a Computer Aided Dispatch (CAD) Summary Report, or a Daily Field Activities Report, Form 15.52.00] on file, documenting that the suspect has been previously warned.*

Note: Per LAMC Section 41.24(e), the term "private property" shall mean any real property, including but not limited to, buildings, structures, yards, open spaces, walkways, courtyards, driveways, carports, parking areas and vacant lots, except land which is used exclusively for agricultural purposes, owned by any person or legal entity other than property owned or lawfully possessed by any governmental entity or agency.

If there is a Trespass Warning on file for LAMC Sections 41.24(a), 41.24(b), or 41.24(d), the violator will be subject to arrest. If there is a Trespass Arrest Authorization on file and the violator is in violation of LAMC Section 41.24(a) without a previous Trespass Warning, the violator will be subject to arrest. If there is a Trespass Arrest Authorization on file and the violator is in violation of LAMC Section 41.24(b) or 41.24 (d) without a previous Trespass Warning, the violator shall be warned via a Trespass Warning. A copy of the Trespass Arrest Authorization and the Trespass Warning shall be attached to the Arrest Report. The original Trespass Arrest Authorization and the Trespass Warning shall remain in the trespass warning book where it is readily accessible.

If there is no Trespass Arrest Authorization or Trespass Warning (or any other documentation, such as a Field Interview Report, CAD Summary Report, or a Daily Field Activities Report) on file, the violator shall be warned and a Trespass Warning should be completed for LAMC Section 41.24(a), 41.24(b), or 41.24(d). The officer shall request that the violator sign the Trespass Warning. If the violator refuses to sign the Trespass Warning, the officer shall print "Refused" on the violator's signature line, followed by the officer's initials. The original document and one copy shall be turned in with the officer's CAD Summary Report or Daily Field Activities Report, to the watch commander if the officer utilizes the Automated Daily Field Activities Report System.

Note: *An individual who was previously warned via a Trespass Warning for Section 41.24(a), 41.24(b), or 41.24 (d), will be subject to arrest when the warning and the arrest are for the same property.*

**DEPARTMENT MANUAL
FORM USE
Revised by Special Order No. 5, 2018**

03.21.00 TRESPASS WARNING, FORM 03.21.00.

03.21.00-01 Use of Form. *This form shall be used to document a warning that is given to persons who trespass on private property, including private property made open to the general public, pursuant to Los Angeles Municipal Code (LAMC) Sections 41.24(a), 41.24(b), or 41.24(d). This enables an officer to verify that a prior warning was given and to arrest the suspect.*

03.21.00-10 Completion - *This form shall be completed by officers documenting the trespass warning given to individuals who enter private or public property without lawful permission.*

03.21.00-80 Distribution. *This form shall be maintained for a minimum of one year from the date of issuance.*

1 - Original, retained by the Area/division's subpoena control officer.

1 - Copy, Area front desk.

2 - TOTAL

03.21.01 TRESPASS ARREST AUTHORIZATION, FORM 03.21.01 – ACTIVATED. *The Trespass Arrest Authorization, Form 03.21.01, has been activated.*

03.21.01-01 Use of Form. *This form shall be completed by the owner, owner's agent, or person in lawful possession of the referenced property, authorizing the Los Angeles Police Department's entry onto the property and enforcement of Los Angeles Municipal Code (LAMC) Sections 41.24(a), 41.24(b), or 41.24(d).*

03.21.01-10 Completion. *This form shall be completed by the owner, owner's agent, or person in lawful possession of the referenced property. This form may encompass a limited period of time not exceeding 12 months and shall provide the specific dates for the authorization period. A new form shall be completed once the authorization period has expired.*

03.21.01-80 Distribution. *This form shall be maintained for one year from the date of issuance.*

1 – Original, retained by the Area/division subpoena control officer.

1 – Copy, Area front desk.

2 – TOTAL

**DEPARTMENT MANUAL
VOLUME IV
Revised by Special Order No. 5, 2018**

Subpoena Control Officer's Responsibilities. Subpoena control officers shall ensure that the **original *Trespass Arrest Authorization and Trespass Warning*** are retained in a notebook. A copy shall also be placed in a three-ring notebook where it is readily accessible.

Commanding Officer's Responsibilities. Commanding officers shall ensure that a *notebook* is maintained *by* the division's subpoena control officer to retain the **original *Trespass Arrest Authorization and the Trespass Warning***. A trespass warning *notebook* shall also be maintained at the *Area's* front desk for use by field personnel. Commanding officers shall ensure that *expired* copies of the *Trespass Arrest Authorization and Trespass Warning forms* are purged from the book *once a year*. *These expired forms shall be stored per the Department's records retention procedure.*

LOS ANGELES POLICE DEPARTMENT

CHARLIE BECK
Chief of Police



ERIC GARCETTI
Mayor

P.O. Box 30158
Los Angeles, CA. 90030
Telephone: _____
TDD #: (877) 275-5273
Ref #: _____

TRESPASS WARNING

- ☐ The below person does not have permission to be on this private property or portion of private property not open to the general public without the consent of the owner, owner's agent, or the person in lawful possession of the property, as indicated by the signs posted forbidding entry. This person is being formally warned and requested to leave the property. If this person returns to the property without permission after having received this warning, this person will be subject to arrest as being in violation of Los Angeles Municipal Code (LAMC) Section 41.24(a).
- ☐ The below person does not have permission to be on this private property or portion of private property not open to the general public and with no signs posted. This person is being formally warned by the owner, owner's agent, person in lawful possession of the property or a peace officer at the request of the aforementioned persons and requested to leave the property and not return. If this person returns to the property without permission from the owner, owner's agent, or person in lawful possession of the property within the next six months after having received this warning, this person will be subject to arrest as being in violation of LAMC Section 41.24(b). This subsection will not apply to the warned person if this person enters the property within six months and this person is authorized to do so by the owner, owner's agent, or a person in lawful possession of the property. This form for this subsection shall be retained by the Los Angeles Police Department for one year.
- ☐ The below person is being formally requested to leave the private property or portion of private property and not return, and is being warned that if he or she returns to the property within 24 hours, he or she will be subject to arrest. If this person returns to the property without permission within the next 24 hours after having received this warning, this person will be subject to arrest as being in violation of LAMC Section 41.24(d). This is private property or a portion of private property open to the general public and the request is rationally related to the services performed or the facilities provided. This advisement shall be made by the owner, owner's agent, person in lawful possession of the property or a peace officer at the request of the aforementioned persons.

Exception: Per LAMC Section 41.24(h), the entire LAMC 41.24 section shall not apply in any of the following instances:

- (1) When its application results in, or is coupled with, any act prohibited by the Unruh Civil Rights Act, or any other provision of law relating to prohibited discrimination against any person;
- (2) When its application results in, or is coupled with, an act prohibited by Section 365 of the California Penal Code, or any other provision of law relating to the duties of innkeepers;
- (3) When public officers or employees are acting within the course and scope of their employment or in the performance of their official duties; or,
- (4) When persons are engaging in activities protected by the United States Constitution or the California Constitution or when persons are engaging in acts which are expressly required or permitted by any provision of law.

(Print the below information.)

DATE: _____ TIME: _____ LOCATION WARNED: _____

TYPE OF PROPERTY INVOLVED: RESIDENTIAL: ☐ COMMERCIAL: ☐ TYPE _____

PERSON WARNED: (LAST, FIRST) _____ IDENTIFICATION CARD: _____

HAIR: _____ EYES: _____ HEIGHT: _____ D.O.B.: _____ DESCENT: _____ SEX: _____

HOME ADDRESS: _____

REASON(S) GIVEN FOR BEING AT LOCATION: _____

VIOLATOR'S SIGNATURE: _____

(If the violator refuses to sign, print "Refused" on the signature line, followed by the officer's initials.)

Officer's Name: _____ Serial No: _____ Date: _____

AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER

03.21.00 (03/18)

www.LAPDonline.org
www.joinlapd.com

City of Los Angeles
LOS ANGELES MUNICIPAL CODE SECTION 41.24
TRESPASS ARREST AUTHORIZATION

Los Angeles Police Department

Area

Dates of Authorization:

From: To:

(cannot exceed 12 months)

Property Address:

Type of Property: Residential No. of Units Commercial Type

I am the owner/owner's agent/person in lawful possession of the above referenced property. I request and authorize the Los Angeles Police Department to enter the above property and enforce Los Angeles Municipal Code (LAMC) Section 41.24. This Trespass Arrest Authorization by itself does not include the interior of a lawfully occupied residential unit.

Exception: Per LAMC Section 41.24(h), the entire LAMC 41.24 section shall not apply in any of the following instances:

- (1) When its application results in, or is coupled with, any act prohibited by the Unruh Civil Rights Act, or any other provision of law relating to prohibited discrimination against any person;
- (2) When its application results in, or is coupled with, an act prohibited by Section 365 of the California Penal Code, or any other provision of law relating to the duties of innkeepers;
- (3) When public officers or employees are acting within the course and scope of their employment or in the performance of their official duties; or,
- (4) When persons are engaging in activities protected by the United States Constitution or the California Constitution or when persons are engaging in acts which are expressly required or permitted by any provision of law.

[CHECK APPLICABLE PARAGRAPH(S)]

Posted sign on property not open to the general public, LAMC Section 41.24(a)

- ☐ My property has been posted with signs containing text at least two inches high stating: "THIS PROPERTY CLOSED TO THE PUBLIC. No Entry Without Permission. LAMC SEC. 41.24." in accordance with LAMC Section 41.24(f). I authorize the Los Angeles Police Department to arrest, for a violation of LAMC Section 41.24(a), anyone on my property who is not a lawful resident, guest or visitor and not exempted under LAMC Section 41.24(h).

Unposted property not open to the general public, LAMC Section 41.24(b)

- ☐ I authorize the Los Angeles Police Department, pursuant to LAMC Section 41.24(b), to advise persons who are not lawful residents, guests, visitors, and not exempted under LAMC Section 41.24(h), to leave my property and not return for six months, and to arrest such person for a violation of LAMC Section 41.24(b), if he or she returns within six months. If this person, who was advised not to return, enters the property within the six months and was authorized by the owner, owner's agent, or person in lawful possession to enter the property, then it is not a violation of this subsection.

Note: Los Angeles Police Department officers shall check with the Area front desk if a Trespass Warning, Form 03.21.00, was issued within the past six months of the current incident. If a Trespass Warning was issued within the past six months of the current incident, and the violator violated the Trespass Warning, he or she shall be arrested for this subsection. A Trespass Warning is required to be issued to the violator within the past six months of the current incident prior to arresting the violator for this subsection if the violator violates the Trespass Warning again.

City of Los Angeles
LOS ANGELES MUNICIPAL CODE SECTION 41.24
TRESPASS ARREST AUTHORIZATION

Property open to the general public, LAMC Section 41.24(d)

- ☐ My property is open to the general public between the hours of _____ to _____. I authorize the Los Angeles Police Department to advise persons, pursuant to LAMC Section 41.24(d), to leave the premises for 24 hours if the request to leave is rationally related to the services performed or the facilities provided on the property. I further authorize the Los Angeles Police Department to arrest, for a violation of LAMC Section 41.24(d), anyone who has been so notified and refuses to leave or returns within 24 hours.

Note: Los Angeles Police Department officers shall check with the Area front desk if a Trespass Warning was issued to the violator within the past 24 hours of today's incident. A Trespass Warning is required to be issued to the violator within the past 24 hours of today's incident, prior to arresting the violator for this subsection if the violator violates the Trespass Warning again.

I, or my authorized agent, will cooperate fully in the prosecution of anyone who is arrested for a violation of any local or state law, including trespassing or vandalism.

Name of the manager of the aforementioned property: _____

He or she can be reached at: _____

Telephone No.: _____ Address: _____

Sincerely,

Signature: _____

Print Name: _____

Telephone No.: _____

Address: _____